

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JULIE KIER,)
)
Plaintiff,)
)
v.) Case No.: 16-cv-370-JED-PJC
)
ROSEANN C. LOWERY, an individual, and)
PROGRESSIVE INSURANCE COMPANY)
[SIC], a foreign Insurance Company,)
)
Defendants.)

JOINT STIPULATION OF DISMISSAL

Pursuant to FED.R.CIV.P. 41, the parties jointly stipulate as follows:

1. The claims asserted by Plaintiff, Julie Kier, against Defendant, Progressive Northern Insurance Company (incorrectly named as Progressive Insurance Company), which gave rise to this action has been resolved, and in exchange for Defendant's agreement not to pursue recovery of attorney fees and costs, and any claim, including, but not limited to, for an alleged breach of contract and/or fraud, which the Defendant could or might assert or be entitled to against the Plaintiff arising out of the or as a result of the issuance of the parties' policy of insurance and any facts arising out of the state and federal *Kier* litigation, Plaintiff has agreed to dismiss with prejudice all claims against Defendant; and
2. Resolution between these parties and dismissal of Plaintiff's claims against Defendant in no way prejudices any claims Plaintiff has against Roseann C. Lowery, who is no longer a party to this matter and who was dismissed for lack of jurisdiction pursuant to an Order entered by this Court on March 15, 2017 [Doc.No.27].

Respectfully submitted,

s/ Dawn M. Goeres

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DEFENDANT IN INTEREST**

s/ Charles J. Brackney

(signed by filing attorney with permission)
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